

Trademark Trial and Appeal Board Electronic Filing System. <http://esta.uspto.gov>ESTTA Tracking number: **ESTTA725018**Filing date: **02/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

Name	The Milner Agency, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	P.O. Box 491090 Lawrenceville, GA 30049 UNITED STATES		

Attorney information	Jason A. Bernstein Barnes & Thornburg LLP 3475 Piedmont Road N.E. Suite 1700 Atlanta, GA 30305-3327 UNITED STATES trademark-at@btlaw.com, jason.bernstein@btlaw.com, ofleming@btlaw.com Phone:404-846-1693
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#### Applicant Information

Application No	86556368	Publication date	01/05/2016
Opposition Filing Date	02/04/2016	Opposition Period Ends	02/04/2016
Applicant	Security Benefit Associates Group Services Inc 521 Swanson Dr Lawrenceville, GA 30043 UNITED STATES		

#### Goods/Services Affected by Opposition

Class 036. First Use: 1989/01/01 First Use In Commerce: 1989/01/01 All goods and services in the class are opposed, namely: Insurance agency and brokerage
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#### Grounds for Opposition

Other	Likelihood of confusion based on common law trademark rights
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Attachments	67927-245672-Notice of Opposition.pdf(453171 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jbernstein/
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Name	Jason A. Bernstein
Date	02/04/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

The Milner Agency, Inc.	)	
	)	
Opposer,	)	In the matter of trademark application
	)	Serial No. 86/556368; Published in the
v.	)	Official Gazette January 5, 2016
	)	
	)	Opposition No. _____
Security Benefit Associates Group	)	
Services Inc.,	)	
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

The Milner Agency, Inc. (“Opposer”) believes that it will be damaged by the registration of the mark THE MILNER GROUP shown in Serial No. 86/556368 (“Applicant’s Mark”) and hereby opposes the same.

As grounds for its opposition, Opposer alleges as follows:

1. Opposer is a preeminent full service insurance brokerage agency providing impaired risk, life, annuity, health, disability and long term care insurance products to agents nationwide.
  
2. Opposer has used THE MILNER GROUP Mark (“Opposer’s Mark”) in connection with insurance agency and brokerage services (“Opposer’s Services”) throughout the United States since prior to Applicant’s claimed date of first use or filing date of Applicant’s Mark, and has spent significant amounts of time and money promoting and advertising THE MILNER GROUP trademark in connection with Opposer’s Services. As a result of this long, continuous, and substantially exclusive use, Opposer’s Mark has acquired distinctiveness in the minds of relevant consumers.

3. By reason of Opposer's long and extensive use of THE MILNER GROUP Mark, the Mark has achieved widespread and favorable public appearance and recognition and has become an asset of great value as a symbol of Opposer's services and goodwill.

4. By virtue of Opposer's continuous, exclusive and widespread use of THE MILNER GROUP Mark, the Mark is entitled to a broad scope of protection.

5. Applicant seeks to register the confusingly identical mark THE MILNER GROUP ("Applicant's Mark") in connection with "insurance agency and brokerage services," ("Applicant's Services") as evidenced by U.S. Application Serial No. 86/556368 filed March 6, 2015, and published in the Official Gazette on January 5, 2016. (*See* Exhibit A).

6. Applicant's Mark is identical in sight, sound, and meaning to Opposer's THE MILNER GROUP Mark.

7. Applicant's Services are identical to the services rendered by Opposer, and claims no restriction as to channels of trade.

8. Applicant's Services are likely to be marketed, offered, and sold to the same purchasers and through the same channels of trade as Opposer's Services.

9. Because of the similarity of the marks and the overlap in the services, THE MILNER GROUP mark is likely to cause confusion, or to cause mistake or to deceive because relevant purchasers familiar with Opposer's THE MILNER GROUP Mark and with Opposer's reputation as a leading provider of these services are likely to believe that Opposer has endorsed or authorized the sale of Applicant's Services, or that Applicant or Applicant's Services are in some way affiliated with Opposer or related to Opposer, so as to create a likelihood of confusion as to the source of Applicant's Services.



10. Upon information and belief, Applicant has no rights in THE MILNER GROUP mark prior or superior to Opposer's rights.

11. Registration of the mark THE MILNER GROUP will provide Applicant with *prima facie* exclusive rights therein and would harm Opposer by interfering with Opposer's rights in and to THE MILNER GROUP Mark.

12. Opposer has the right to continue using THE MILNER GROUP in connection with its services and to use the Mark without interference by Applicant and without confusion, mistake, or deception.

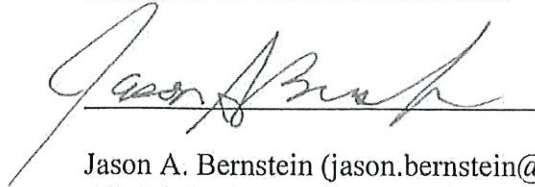
13. Opposer would be injured by the granting to Applicant of the registration sought because Applicant's Mark so resembles Opposer's Mark as to be likely, when used on Applicant's Services, to cause confusion, or to cause mistake, or to deceive, to falsely suggest a connection with Opposer, and to damage Opposer's goodwill in its Mark.

WHEREFORE, Opposer believes that it will be damaged by the registration of THE MILNER GROUP to Applicant, and prays that the registration be denied.

Respectfully submitted,

**BARNES & THORNBURG LLP**

Date: February 4, 2016

A handwritten signature in cursive script, appearing to read "Jason A. Bernstein", is written over a horizontal line.

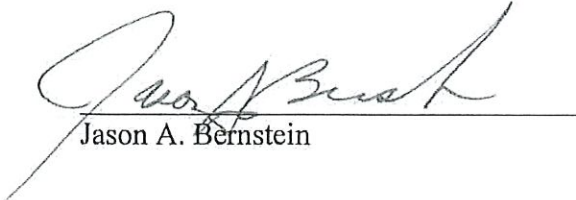
Jason A. Bernstein (jason.bernstein@btlaw.com)  
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Atlanta, Georgia 30305-3327  
404-264-4040  
Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Notice of Opposition has been served by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to Applicant and its correspondent of record at the following addresses:

Willis Milner  
Security Benefit Associates Group Services Inc.  
521 Swanson Drive  
Lawrenceville, GA 30043

this 4th day of February, 2016.

  
\_\_\_\_\_  
Jason A. Bernstein